

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-12, 14-16 and 19-23 are now pending in this application, claims 13, 17 and 18 having been cancelled by the present Amendment.

Claim Rejections – 35 U.S.C. §103

Claims 1, 2, 5 – 7, 9 – 12, 17, 18 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Ouderkirk** (U.S. Patent No. 6,124,971) in view of **Sonoda et al.** (U.S. Patent No. 5,880,796).

Claims 13 – 16 and 20 – 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Ouderkirk** in view of **Sonoda**, as applied to claims above, and further in view of Liquid Crystals, Applications and Uses, Volume 1, by Birenda Bahadur et al. (Bahadur) 1990, (Chapters 7 and 10, especially pages 180, 242, 245, and 270).

Claims 3, 4, 8 and 19, were rejected under 35 U.S.C. §103(a) as being unpatentable over **Ouderkirk** in view of **Sonoda** as applied to claims above, and further in view of **Hisatake et al.** (U.S. Patent No. 5,721,858).

For the reasons set forth in detail below, this rejection, to the extent that it is considered to apply to the amended claims, is respectfully traversed.

Initially, it is noted that each of independent claims 1 and 23 have been amended to clarify that “said color filter is a color polarizing film or a multi-layered dielectric coating.”

Support for the changes to claims 1 and 23 is provided, e.g., in claims 17 and 18, which previously depended from claim 1.

Moreover, on page 11, Item (4) of the Office Action, the Examiner asserts that Applicant has acquiesced to the rejections of the dependent claims because Applicant has not specifically argued limitations in the dependent claims.

First, this statement is unsupported. There is no law (35 U.S.C.), rule (37 C.F.R.), case law, policy or procedure (M.P.E.P.), etc. that supports acquiescence to rejections of dependent claims when features recited in the dependent claims have not been specifically argued. It is sufficient to address features in the independent claims, from which those dependent claims depend, to adequately address claim rejections of dependent claims.

Second, *Applicant has indeed addressed the dependent claims* in detail (particularly claims 17 and 18), but *the Examiner has failed to address these arguments in the past two Office Actions*. Please see page 23, lines 3-10 of the February 18, 2005 Amendment where Applicant specifically pointed out that the Examiner has not addressed the arguments with respect to the dependent claims set forth in the response filed August 12, 2004, and specifically requested that the Examiner to address these arguments.

Therefore, because the Examiner has not addressed Applicant's arguments regarding dependent claims 17 and 18 in the previous two Office Actions, the Examiner is respectfully requested to either allow this application or address, in a non-final Office Action, the previously presented patentability arguments regarding the dependent claims, particularly the arguments concerning claims 17 and 18 as they now apply to claims 1 and 23. More particularly, because

the Examiner has not addressed the patentability arguments regarding the dependent claims set forth in the August 12, 2004 response, even though specifically requested to do so, it is respectfully submitted that it would be improper to make the next Office Action a final Office Action because this would deny Applicant the opportunity to address the Examiner's response to the previously presented patentability arguments by amendment, if necessary, because the Examiner can refuse to consider after final amendments.

Independent claims 1 and 23 now recite that the color filter is a color polarizing film or a multi-layered dielectric coating. The Office Action asserts that **Ouderkirk et al.** discloses a dichroic polarizer. However, according to **Ouderkirk et al.**, "dichroic" means absorption dichroic, which means there is a difference in transmittance of the light linearly polarized in the polarizing direction, and does not mean the dichroic polarizer performs coloring. Further, column 1, lines 61-66 of **Ouderkirk et al.** explains a dichroic polarizer in a manner consistent with the feature of an ordinary absorption-type polarizing film, and completely lacks any description of coloration. Accordingly, it is respectfully submitted that the "dichroic polarizer" disclosed by **Ouderkirk et al.** is an ordinary absorption-type polarizing film, not a "color polarizing film" as recited in claims 1 and 23 of the present invention.

Moreover, the Office Action asserts that **Ouderkirk et al.** discloses the claimed multi-layered dielectric coating. However, the multi-layered coating disclosed in **Ouderkirk et al.** is a multi-layered coating itself formed on the reflection-type polarizing film. It is respectfully submitted that it is clear that the multi-layered coating is not a color filter from the description, column 5, lines 27-30, "while the average transmission along the other stretch direction may be

desirably less than, for example 20%, over a bandwidth of, for example, the visible spectrum (400-700 nm), or over the visible spectrum and into the near infrared (e.g., 400-850 nm)." Further, in the wavelength ranges, 400nm is an end by the violet side of visible light, 700nm is an end by the red side of visible light, and 850 nm is in an infrared region. Thus, it is clear that the multi-layer film in **Ouderkirk et al.** does not filter color. In contrast, the multi-layered dielectric coating recited in amended claims 1 and 23 is a multi-layered dielectric coating functioning as a color filter. Accordingly, the multi-layer coating of **Ouderkirk et al.** is not the same as the multi-layered dielectric coating used as a color filter, as recited in claims 1 and 23.

Therefore, in view of the above amendments and remarks, it is respectfully submitted that independent claims 1 and 23, and claims dependent therefrom, patentably distinguish over the cited prior art and therefore define allow subject matter. Reconsideration and withdrawal of the rejections under §103 are respectfully requested.

A *prima facie* case of obviousness has not been established

Further, in addition to the above arguments, it is respectfully submitted that a *prima facie* case of obviousness has not been established because the **Ouderkirk et al.** and **Sonoda et al.** references provide no teaching, motivation or incentive to combine the references, as is required under §103.

It is respectfully submitted that there is much more disincentive for the combination of **Ouderkirk et al.** and **Sonoda et al.** than incentive for the combination. For example, (1) **Ouderkirk et al.** is monochromatic and does not even contemplate a color display, as taught by

Sonoda et al.; (2) The teachings and embodiment of **Sonoda et al.** *applied* in the rejection relate to an analog watch, not an LCD. The analog watch and the LCD are structurally and functionally different, and there is no suggestion to combine the two; (3) The embodiments of **Sonoda et al.** related to an LCD that were not applied against the claims by the Examiner clearly do *not* teach a color film and there is no teaching or incentive to include a color film in the embodiments having an LCD. Further, the embodiments having an LCD do not include a reflective polarizer. Where is the teaching in the references to combine a color film with a reflective polarizer to achieve the advantages of the claimed invention?; (4) The Examiner is clearly picking and choosing elements to combine based on applicants teachings. That is, in the **Sonoda et al.** reference, the film 114 clearly functions in conjunction with the metal plate 109 and rear light emitting element 108 to give the color metallic impression. The Examiner has simply chosen to use the color film 114 in the combination, while ignoring the fact that the metallic plate is required to be used with the color film; (5) The advantages flowing from the claimed invention must be considered in an obviousness determination. Neither of the references suggest the advantages of the claimed invention in providing contrast in colors; and (6) **Sonoda et al.** teach a color film over a metallic plate, and does *not* teach not a color film over a reflective polarizer. A metallic plate is clearly different from a reflective polarizer in that light is reflected from the entire metallic plate, and only passes through holes in the plate.

Thus, it is submitted that claims 1 and 23 are allowable for these additional reasons.

Application No. 09/269,501
Group Art Unit: 2883

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 990345

CONCLUSION

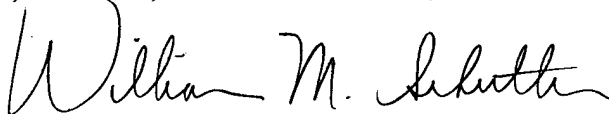
In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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